

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CR. NO. 99-CR-00197-005 (DRD)

RAFAEL HERNANDEZ

* * * * *

**MOTION REQUESTING A SHOW CAUSE HEARING AND
ISSUANCE OF A SUMMONS**

**TO THE HON. CARMEN C. CEREZO
U.S. DISTRICT MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO**

**COMES NOW, CARLINA CORTES BAEZ, SENIOR UNITED STATES
PROBATION OFFICER** of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, Rafael Hernández, who on the 30th day of October 2000, was sentenced to serve a eighteen (18) months term of imprisonment, followed by a supervised release term of three(3) years for a violation of Title 18, United States Code, Section 1986(h). On September 12, 2002, Mr. Hernández was released from custody at which time he commenced the supervised release term imposed. Besides the standard conditions of supervision, the offender was ordered to refrain from any unlawful use of controlled substances, submit to substance abuse testing and treatment, if needed. In addition, the offender was ordered to provide access to any financial information upon request. A special monetary assessment in the amount of \$100 was also imposed.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

**1. VIOLATION OF STANDARD CONDITION NO. 2 - "THE DEFENDANT SHALL
SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST**

FIVE DAYS OF EACH MONTH.”

2. VIOLATION OF STANDARD CONDITION NO. 3 - “ THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER.”

3. VIOLATION OF STANDARD CONDITION NO. 6 - “THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER TEN DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT. “

On February 1, 2005, the Probation Office was notified that the offender had lied regarding his employment. Reportedly, since August 2003, the offender reported working for VIP Auto Collision located in Villa Palmeras, Santurce, PR. New information received indicated that since November 2003, the offender was co-owner of Static X Sports Bar located in Espinosa Ward, Dorado, PR. During an investigation conducted at the Municipality of Dorado, we obtained copy of records and documentation that pointed out the offender as the owner of said sports bar or making business in representation of VIP Auto Collision. Offender never reported to the Probation Office that he worked at the sports bar or being the owner of the same. Offender at all times stated working at the auto-collision business.

An interview was held with Mr. Johnny Virella, owner of VIP Auto Collision and co-owner of the sports bar, who informed that he rented the auto-collision business approximately a year ago and that the offender was the co-owner of the sports bar. Most of the documents obtained from the Dorado Municipality mentioned the offender as the owner of the sports bar. Law enforcement officers of the Dorado area mentioned the offender as the owner or manager of the sports bar. When confronted with the information, the offender admitted having worked at the sports-bar, however, he refused to admit that he was the owner of the same. Offender further reported that he did not inform the Probation Office of his job at the sports bar because he feared that he would not be

allowed to work in the same. Offender did not provide any explanation as to the confirmation of bar ownership documented by this officer.

WHEREFORE, in view of the offender has violated the conditions of supervision by providing false information, we respectfully request, unless ruled otherwise, that the Court issue a summons to the offender so that he may appear before this Honorable Court to show cause why his probation term should not be revoked. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 24th day of March 2005.

Respectfully submitted,

EUSTAQUIO BABELONIA, CHIEF
UNITED STATES PROBATION OFFICER

s/Carlina Cortés-Báez
Carlina Cortés-Báez
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CERTIFICATE OF SERVICE

I HEREBY certify that on this date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Sonia Torres Esq., Assistant U.S. Attorney and Juan R. Acevedo-Cruz, Esq., Defense Counsel.

At San Juan, Puerto Rico, March 24, 20045.

s/Carlina Cortés-Báez
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